



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,755	02/16/2001	Frank Kelly	PD-200327	5518

7590 07/28/2005
Hughes Electronics Corporation
Patent Docket Administration
P.O. Box 956
Bldg. 1, Mail Stop A109
El Segundo, CA 90245-0956

EXAMINER

TRAN, THIEN D

ART UNIT	PAPER NUMBER
----------	--------------

2665

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/785,755

Applicant(s)

KELLY, FRANK

Examiner

Thien D. Tran

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-13 and 15-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12, 13, 15-22 and 34-41 is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 10, 11, 23-28 and 31-33 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 29 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. The indicated allowability of claims 1-11 and 23-33 are withdrawn in view of the newly discovered reference(s) to Reichman et al (U.S Patent No. 6,240,073 B1).

Rejections based on the newly cited reference(s) follow.

2. Applicant is advised that the Notice of Allowance mailed on 05/20/2005 is vacated. If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

Art Unit: 2665

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-5, 8, 10, 23-28, 31, 32 are rejected under 35 U.S.C. 102(e) as being participated by Reichman et al (U.S Patent No. 6,240,073 B1).

Regarding claims 1, 23, 32 Reichman discloses a two-way satellite communication system, comprising:
a HUB transceiver 18 configured to transmit signals over a plurality of return channels to a satellite and to receives over a downlink channel from satellite, col.1 lines 56-65;
a bandwidth on demand (network control cluster) configured to dynamically manage bandwidth associated with the plurality of return channels, col.14 lines 53-57;
a demodulator 270 (burst channel demodulator) coupled to the bandwidth on demand and configured to demodulate the signals that are received from each of plurality of return channel, col.20 lines 57-67; and
a hub configured to communicate with the transceiver over the plurality of return channels, wherein the hub provides connectivity between the transceiver and an Internet network (packet switched network), figure 1.

Regarding claims 2, 24, 25, Reichman discloses that the transceiver transmits the signals over the return channel using a plurality of return channels using plurality of carriers, each of the carriers using (TDMA) stream, figure 2, col.9 lines 25-30.

Regarding claims 3, 26, Reichman discloses that the packet switched network is the Internet, figure 1.

Regarding claims 4, 27 Reichman discloses that the packet switched network is an Internet Protocol (IP) network, col.3 lines 14-18.

Regarding claims 5, 28, Reichman discloses that a user terminal 80 coupled to the transceiver and configured to generate data for transmission over the packet switched network; and an antenna coupled to the transceiver, figure 5.

Regarding claims 8, 10, 31 Reichman discloses the transceiver supports IP broadcasting (multicasting), col.3 line 65.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over participated by Reichman et al (U.S Patent No. 6,240,073 B1) in the view of Heath et al (U.S Patent No. 6,564,274 B1).

Regarding claims 11, 33 Reichman does not disclose that the signals represent packets that include a Medium Access Control (MAC) address that is based upon traffic type. Heath discloses the MAC address being used in the transmission between two devices, col.18 lines 35-40. Therefore, it would have been obvious to one having ordinary skill in the art to have the feature of MAC address included in the transmission packets so that data can be transmitted to the right destination device.

Allowable Subject Matter

7. Claims 6, 7, 29, 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. Claims 12, 13, 15-22, and 34-41 are allowed.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (571) 272-3156. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

Patent Examiner

Thien Tran



HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600